

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding the
Implementation of the Suspension of Direct
Access Pursuant to Assembly Bill 1X and
Decision 01-09-060.

Rulemaking 02-01-011
(Filed January 9, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
SHORTENING TIME TO RESPOND TO ANY APPLICATIONS
FOR REHEARING OF Decision (D.) 02-11-022**

Decision (D.) 02-11-022 ("DA CRS Decision") was adopted by the Commission at the meeting of November 7, 2002, and mailed to the parties on November 8, 2002. The decision construed, applied, implemented, and interpreted certain provisions of Assembly Bill 1 of the Legislature's First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 4) (AB1X).

Senate Bill 31 of the First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 9) amended Public Utilities Code Section 1731, and added Public Utilities Code Section 1768. Section 1731(c) requires that as a prerequisite for filing a cause of action "in any court," an application for rehearing of a Commission decision construing, applying, or implementing the provisions of AB1X must be filed within ten days after the date of issuance of the decision. (Pub. Util. Code, §1731, subd. (c).) Accordingly, applications for rehearing of D.02-11-022 are due

ten days after the issuance of those decisions.¹ Applications for rehearing of these decisions must be filed by November 18, 2002.

Section 1731(c) also requires the Commission to “issue its decision and order on rehearing within 20 days after the filing of that application.” In order to issue decisions and orders on rehearing of D.02-11-022 within the applicable timeframe, the Commission will need to take up consideration of any applications for rehearing at its regularly scheduled meeting on December 5, 2002.

Pursuant to Rule 86.2 of the Commission’s Rules of Practice and Procedure, a response to an application for rehearing may be filed no later than 15 days after the day the application for rehearing is filed. Consequently, under the expedited schedule, responses would not be due until December 3, 2002, 2 days before the December 5, 2002 Commission meeting. Therefore, so that the Commission may consider responses to any applications for rehearing that may be filed, the time for filing responses must be shortened. Although the Commission is not obligated to withhold a decision on an application for rehearing to allow time for a response to be filed,² the time for filing a response to any application for rehearing shall be shortened to November 25, 2002. Accordingly, any party planning to file a response to any application for rehearing that may be filed shall file and serve the response on or before November 25, 2002. Any response shall be served by electronic mail on those parties who have provided an e-mail address, and by first class mail or other expeditious mode of delivery to those

¹ In the decision, the Commission specifically noted the applicability of § 1731(c), and in particular the 10-day time for filing applications for rehearing.

² See Rule 86.2 of the Commission’s Rules of Practice and Procedure.

who have not provided an e-mail address. In addition, any responses shall also be electronically served on the following Commission staff: Mary McKenzie (mfm@cpuc.ca.gov).

Therefore, **IT IS RULED** that the time for filing a response to any applications for rehearing of D.02-11-022 that may be filed shall be shortened. Any party filing responses to such applications for rehearing shall file the responses on or before November 25, 2002, and shall serve the responses in the manner specified above.

Dated November 8, 2002, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Shortening Time to Respond to Any Applications for Rehearing of D.02-11-022 on all parties of record in this proceeding or their attorneys of record.

Dated November 8, 2002, at San Francisco, California.

/s/ NELLY SARMIENTO
Nelly Sarmiento

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.